

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3539 of 1985

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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IQBALBHAI ABDULBHAI PATEL

Versus

DISTRIC DEVELOPMENT OFFICER

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Appearance:

MR PB MAJMUDAR for Petitioner

MR HM BHAGAT for Respondent No. 1, 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 09/08/96

ORAL JUDGEMENT

Heard learned advocate Mr. P.B.Majmudar for the petitioner. The respondents served.

2. The petitioner is aggrieved by the action of the respondent Panchayat in not permitting the petitioner to assume charge of the post of Gram Sevak after his due selection for the said post. It is the case of the

petitioner that the petitioner had applied for the post of Gram Sevak pursuant to an advertisement issued by Gujarat Panchayat Service Selection Board. The petitioner was duly selected and his name was placed at serial no. 60 on the merit list. The petitioner was issued an order of appointment on 21st July, 1981. Pursuant to the said order of appointment, the petitioner reported for duty on 27th July, 1981. The petitioner however, was not permitted to assume the charge of the post in question. The petitioner feeling aggrieved, made a representation to the District Development Officer on 31st January, 1984. However, the petitioner was not permitted to assume the charge. The petitioner being aggrieved by the same, has filed the present petition.

3. The respondent no.1 has contested the petition by filing its affidavit. It has been stated that the petitioner was placed at serial no. 60 on the merit list, while one Mr. C.D.Parmar who was promoted to the post of Gram Sevak on ad hoc basis was selected for the said post and was placed at serial no. 195 on the merit list. In view of the respective position on the merit list, Mr. C.D.Parmar was reverted from the post of Gram sevak and the petitioner was posted on the said post. The said C.D.Parmar however, approached this Court by filing Special Civil Application 2850 of 1981 and challenged the selection made by the selection committee. In view of the interim order made by this Court, on the above writ petition, said Mr. Parmar had to be continued as Gram Sevak at Kavitha and as a result, for want of vacancy, the petitioner could not be permitted to assume charge of the post of Gram Sevak at Kavitha. It has been further stated that the said Special Civil Application no. 2850 of 1981 and other similar writ petitions were decided by this Court on 18.11.1981. This Court allowed those petitions and quashed and set aside the select list prepared by the Selection Committee in respect of appointments to the post of Gram Sevak in various Panchayats. The Court issued further directions to prepare select list in accordance with the directions issued by the Court. It is the case of the respondent no.1 that accordingly, select list was revised and a fresh select list was prepared in accordance with the direction issued by the Court in the above referred petitions. While preparing such fresh select list, the petitioner did not find his place on the select list and the petitioner therefore, could not be given appointment. The prior select list having been quashed and set aside by this Court, the petitioner could not be given posting inspite of his selection.

3. Mr. Majmudar, has further submitted that many Gram Sevaks selected alongwith the petitioner and placed below him on the merit list were appointed as Gram Sevaks and were issued orders as such. Thus, the poetitioner has been discriminated against. He complains, the action of the respondents in continuing persons who are below him in the merit list and in not permitting the petitioner to assume charge of the post of Gram Sevak is arbitrary. Learned advocate Mr. Majmudar is however, not able to indicate whether those persons were included in the fresh select list prepared in accordance with the directions issued by this Court or not. In absence of such material, the petitioner's contention cannot be entertained.

4. In view of the above facts, the petitioner having not been selected for the post of Gram Sevak, he cannot be appointed to the said post. The petitioner's claim for appointment to the post of Gram Sevak cannot be entertained. The action of the respondent Panchayat in not permitting the petitioner to assume the charge of Gram Sevak in the aforesaid circumstances cannot be interfered with. The petition is therefore, dismissed. Rule is discharged. There shall be no order as to costs.

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